IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4221/2001

INTERNATIONAL WIRE PRODUCTS
Vs.
STATE OF RAJASTHAN & ORS.

DATE: 10.09.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. D.P. Pujari with
Mr .Raghvendra Pal Singh for the petitioner.
Mr. B.S. Chhaba, Dy. GA for the State
Mr. Ajeet Bhandari for the respondents.

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The only controversy in this writ petition is that the petitioner applied for regularisation of the excess land which is in possession.

It is not disputed that the petitioner is having possession over the land measuring 2670.26 Sq. Mts. excess than the land allotted to it and for the aforesaid land the petitioner applied for regularisation under the Golden Scheme.

The controversy arose when vide Annexure-9 dated 25.01.2001, the scheme has been withdrawn and revised. The respondents issued a demand notice to the petitioner for Rs. 4,80,176/-. The petitioner challenging the demand made by the respondents, filed a

civil suit and as per the earlier scheme the petitioner deposited a banker cheque/pay order amounting to Rs. 1,10,510/- and by the Civil Court's order, the same has been received by the respondents under protest. It is also averred that along with the application the respondent RIICO has submitted a pay order before the Civil Court and it is also not disputed that the pay order has not been encashed and the RIICO's stand is that the regularisation scheme has been withdrawn and revised and new scheme has been framed and pursuant to the new scheme demand notice has been issued.

The petitioner has withdrawn the suit pending before the civil Court and the same was dismissed as withdrawn and after withdrawing the aforesaid suit, the petitioner has preferred this writ petition before this Court claiming that the impugned demand notice dated 25.01.2001 (Annexure-9) may be quashed and set-aside and further prayed for regularisation of the excess land and construction of the petitioner as per the Golden Scheme published in Rajasthan Patrika dated 18.11.2000.

It is not disputed that during pendency of the writ petition, the petitioner also approached the Settlement Committee and the Settlement Committee has given option to the petitioner that if the petitioner

is ready to deposit the amount as per the prevailing scheme, then the respondents can consider the case of the petitioner for regularisation.

It is stated at bar that still option has not been given by the petitioner. It appears that the petitioner only wants to avail the opportunity of Golden Scheme published in the Rajasthan Patrika dated 18.11.2000, but the required amount has not been deposited by the petitioner till the scheme was in force and, therefore, the respondents have issued a fresh demand notice Annexure-9 dated 25.01.2001 and demanded a sum of Rs. 4,80,176/- but the same has also not been deposited and was challenged by way of filing civil suit and later on the same was withdrawn and has preferred this writ petition challenging the demand notice issued by the respondent RIICO.

It is also not disputed that the petitioner also availed the opportunity before the Settlement Committee and has not responded pursuant to the proposal of the Settlement Committee.

In view of these facts and circumstances of the case, the petitioner does not want to avail the opportunity of regularisation and only wants to challenge the same on the one or other pretext.

Having considered the rival submissions of the respective parties, I find no merit in this writ petition. Consequently, the writ petition fails being devoid of merit and the same is hereby dismissed.

The interim order dated 31.08.2001 granted by this Court stands rejected. The stay application also stands rejected.

(K.S. RATHORE),J.

/KKC/